

November 9, 2009

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
NOVEMBER 9, 2009

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
FRANCIS BEDETTI, JR.
PAT TORPEY
JAMES DITTBRENNER

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

NICOLE JULIAN
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD

REGULAR MEETING

MR. KANE: I'd like to call to order the November 9
2009 meeting of Town of New Windsor Zoning Board of
Appeals.

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PRELIMINARY_MEETINGS:

ARGENIO_BROTHERS_(09-34)

MR. KANE: Preliminary meeting, Argenio Brothers.
They are not here yet so we'll put them on hold. We'll
proceed to our first public hearing tonight.

PUBLIC HEARINGS:

LYNETTE MITCHELL & ALDRIC CARTHENS (09-33)

MR. KANE: First public hearing is Lynette Mitchell and Aldric Carthens request for proposed addition will not meet required front yard and side yard setbacks, required total side yards and developmental coverage.

Mr. James Raab appeared before the board for this proposal.

MR. KANE: I will ask at this point if there's anybody in the audience that would want to speak on this particular hearing? I have to ask, I know there's nobody there, for the record, show that there's nobody in the audience so we don't have to hand that out. Okay, you're on.

MR. RAAB: Basically, what this is it's a pre-existing non-conforming use in a PI zone, comes under the residential zone R-4 zoning setbacks. Most of the variances we're asking for tonight are already pre-existing with the exception of one foot side yard which we're asking for for the addition. Most everything else is an extension of something that's already there, in fact, the stoop is closer than the actual front yard over here but the building department put that in with the variances so they are moving the home office upstairs, that's what the addition is for, it's an elevated addition, okay, they'll be able to drive underneath. There's also already a paved driveway underneath that as we discussed at the last meeting the part about there being lot coverage it's really already being covered by impervious surface. So this is because they have a child on the way, it didn't come yet, it may come any time now, but that's the main reason for this, if they could afford a bigger house they probably would have bought a bigger house but that's why they decided to do this.

MR. KANE: Certain questions I have to ask. So cutting down any substantial vegetation and trees in the building of the addition?

MR. RAAB: No.

MR. KANE: Already going over a driveway so hence not going to be creating water hazards or runoffs?

MR. RAAB: No.

MR. KANE: Again, it's elevated, not going across any type of easements?

MR. RAAB: No.

MR. KANE: Will the addition you're proposing is it the smallest addition that you need?

MR. RAAB: Based on the engineering review done by Taconic Design this is as small as they can possibly make.

MR. KANE: Okay, open it up to the board for questions.

MR. DITTBRENNER: Jim, just show me on there where the existing driveway or the existing parking pad is and the addition.

MR. RAAB: Do you see this, the brown line I've got right here is the fence, the blacktop driveway goes up to the fence and all the way to where the fence connects to the house. So this is everything in here is blacktop on this side of the fence.

MR. KANE: All the pink?

MR. RAAB: All the pink on this side of the fence. The only real new, you know, impervious surface is the

triangle which will now be hanging over that fence.

MR. KANE: And the addition is going over the top of this?

MR. RAAB: That's right.

MR. KANE: It's going to be elevated?

MR. RAAB: Right.

MR. KANE: If that's, we used to have the guy here, so if that's already covered the developmental coverage is just a clean-up basically?

MR. DITTBRENNER: Really.

MR. KRIEGER: Is the hangover new?

MR. KANE: I don't think that adds 16 percent, can't even be close so I'm assuming that what they're doing with this is they're cleaning that up so the whole thing will add 16 percent to it but it's something that's already been in existence as far as the coverage except for that little corner up on the top.

MR. RAAB: That's right.

MR. BEDETTI: That part of the front that borders on River Road the front yard exists, how far is that from that front property line to what's existing now?

MR. RAAB: Yeah, the stoop that exists right now is 2.06, all right, the addition will be 4.8 so it's not really increasing but the way this was interpreted throughout the state that you're extending a non-conformity, it's already non-conforming, it's still non-conforming, we know it's back further than the stoop but it's still non-conforming.

MR. BEDETTI: But it's not closer?

MR. RAAB: No.

MR. KANE: Basically what they're doing is cleaning up everything on which they normally do is clean up everything on the lot and get everything on record together. Has there been any complaints verbally or informally or formally about the driveway at all?

MR. RAAB: No.

MR. KANE: Okay, none whatsoever?

MR. RAAB: No.

MR. RAAB: Mr. Carthens has spoke to the next door neighbor, the one that owns this property here, there's no problem with it at all.

MR. KANE: It's a very unique lot. Any further questions from the board at this time?

MR. BEDETTI: I just wanted to make a comment relative to that nearness to the River Road. In my lifetime, I'm aware of two incidents that that's happened on that hill, in fact, in that exact area. And is there any consideration for protecting this house or that addition? There's been a tanker truck that overturned in that area and there was an automobile that went right into the living room of a structure that was there.

MR. RAAB: Yes, I know the one you're referring to and what I believe would be a good idea in this case would be ballasts around the one pier, the front pier, okay, I don't think you can do much about the way the rest of the house is set up but protection of the one pier I agree entirely. In fact, I was thinking about it on the way down here. I know exactly what you're talking

about, about a driver, I think I drove passed it the night it happened so I'm pretty familiar with what you're talking about and not that you can do a whole lot about the existing house but there should be some protection around the addition, I agree. I think that should be a condition that the front pier should be protected and I think what you're referring to is this one right here.

MR. KANE: Yes.

MR. RAAB: It should need protection completely around probably four, okay, that would prevent it from being backed into, sideswiped, hit straight on, whatever so that's not a problem.

MR. KANE: You don't have a problem with that being added as part of it?

MR. RAAB: No, very good idea. Thank you very much.

MR. KANE: At this point, we'll open it to the public portion of the meeting and ask if there's anybody here that wants to speak on this? Seeing as there's not, we'll close the public portion of the meeting and ask Nicole how many mailings we had?

MS. JULIAN: On the 27th day of October, 2009 I mailed out 31 addressed envelopes with no written response.

MR. KANE: Bring it back to the board for any further questions or I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the variance that the proposed addition will not meet required front and side yard setbacks or the total yard developmental coverage for Lynette Mitchell on River Road.

MR. KANE: With the understanding--

MR. KRIEGER: On the condition that the front pier be protected.

MR. RAAB: As approved by the building department.

MR. BEDETTI: Right, I can't tell you how to do it cause I don't know how to do it.

MR. KANE: But as approved by the building department would be fine.

MR. DITTBRENNER: I'll second that motion.

ROLL CALL

MR. BEDETTI	AYE
MR. DITTBRENNER	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. RAAB: Thank you very much. What Mr. Carthens wants to say since the accident they put a guardrail up but I remember that.

FORMAL DECISIONS:

JOHN & PHYLLIS DRENNEN
ENVER HAKAJ
NADIA VENEZIA
PATRICIA LEVIN
STEVEN DWEK
EDWARD & MARIE COLLARD
ANNMARIE THOMPSON
PHYLLIS DRENNEN FOR MARY DOMALAUAGE
DEBORAH BRAND & MICHAEL MUSANTE
EILEEN SHARROW
CHRISTOPHER SOMMERS
ARTHUR GLYNN
THOMAS TRINAJSTIC
MARIO CRISOSTOMO
VASUDEVA NANJAPPA
LANDS OF BINKO/POLMAN
JOHN & TAMMY DOROZYNSKI
VINCENT & KATHRYN D'AMATO

MR. KANE: Formal decisions, I will accept a motion to accept the formal decisions, I understand we have two corrections to make to Nadia Venezia, change of the resolution at the bottom to it should read decline and lands of Binko/Polman, it should add that the driveway should have a two foot to eight foot buffer to the side. It went from two feet to eight feet but we should have an eight foot buffer to the side of the property line.

MR. KRIEGER: So that would be in the conditions at the end of the approval.

MR. KANE: With that, I'll accept a motion with those exceptions, I'll accept a motion to approve.

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

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ROLL CALL

MR. BEDETTI	AYE
MR. DITTBRENNER	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. BEDETTI: Move we adjourn.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. DITTBRENNER	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

